

BAY COUNTY BOARD OF COMMISSIONERS

A G E N D A

TUESDAY, JANUARY 13, 2009

9:00 A.M.

COMMISSION CHAMBERS, FOURTH FLOOR, BAY COUNTY BUILDING

PAGE NO.

I CALL TO ORDER (CHAIRMAN BESON)

II ROLL CALL

III INVOCATION

IV PLEDGE OF ALLEGIANCE

21-41 **V MINUTES (12/9/08; 12/16/08; 1/2/09)**

VI CITIZEN INPUT (9:00 A.M.)

VII PETITIONS AND COMMUNICATIONS

A. Requests for Appointment to Bay County Library Board (One 6 year unexpired term, said term expiring 6/30/2012)

1- 2 1. Robert LaChance

3 2. Leon Katzinger

4 3. Leo Najar

5 4. Eugene T. Tanke

6 5. Christine Chesny

7 6. Dennis W. Banaszak

8- 9 7. Darryl D. Steiner

VIII REPORTS/RESOLUTIONS OF COMMITTEES

**A. WAYS AND MEANS (BRIAN K. ELDER, CHAIR;
DONALD J. TILLEY, VICE CHAIR)**

- | | | |
|-------|-----------|---|
| 10 | 1. | No. 2009-1 - Sale of County Parking Lot (Madison & 4 th Streets) to Bay-Arenac Behavioral Health Authority |
| 11 | 2. | No. 2009-2 - Housing Rehabilitation 3 rd Party Administration Contract (Environmental Affairs/Community Development - MSHDA) |
| 12 | 3. | No. 2009-3 - Housing Property and Liability Coverage (Center Ridge Arms) |
| 13 | 4. | No. 2009-4 - 2008 Revised Operating Budget and 2009 Operating Budget (Housing Department - Center Ridge Arms) |
| | B. | HUMAN SERVICES (KIM COONAN, CHAIR; ERNIE KRYGIER, VICE CHAIR) |
| | C. | PERSONNEL/JUDICIAL (DONALD J. TILLEY, CHAIR; DAWN A. KLIDA, VICE CHAIR) |
| | D. | BOARD OF COMMISSIONERS (PATRICK H. BESON, CHAIR; EUGENE F. GWIZDALA, VICE CHAIR) |
| 14 | 1. | No. 2009-5 - Accounts Payable/BAYANET/Center Ridge Arms |
| 15-18 | 2. | No. 2009-6 - Reports of County Executive |

IX REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

X UNFINISHED BUSINESS

XI NEW BUSINESS

XII MISCELLANEOUS

XIII ANNOUNCEMENTS

19-20

A. 2009 Committee Assignments

XIV CLOSED SESSION (If requested)

XV RECESS/ADJOURNMENT

PAGE 1 of 1

MOTION/ RES. NO.	INTRODUCED/ SUBMITTED BY	SUBJECT OF RESOLUTION/MOTION	ADOPTED	AMENDED	CORRECTED	DEFEATED	REFERRED	TABLED	WITHDRAWN
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BAY COUNTY BOARD OF COMMISSIONERS

1/13/09

RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (1/7/09)
- WHEREAS, Several months ago, Bay County was made aware of the Bay-Arenac Behavioral Health Authority's interest in purchasing the property located at Madison & 4th Streets currently in use for parking for County staff and the public; and
- WHEREAS, This site is near other properties in use for mental health programs and several community facilities including the County Building, the Jail, public housing and the Pere Marquette Depot site; and
- WHEREAS, The sale of this property to BABHA would be a benefit to the downtown economy and would generate significant revenue to the County during challenging economic times; and
- WHEREAS, Two property appraisals were obtained, one by the BABHA reflecting a property worth of \$422,000 and one by the County reflecting a property worth of \$460,000; and
- WHEREAS, The County Executive has recommended the sale of the property to Bay-Arenac Behavioral Health Authority for \$439,237; and
- WHEREAS, Under Michigan law, Commissioners serving on both the Board of Commissioners and the Bay-Arenac Behavioral Health Authority must abstain from negotiation or voting on this matter; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves the sale of the County property located at Madison and 4th Streets to the Bay-Arenac Behavioral Health Authority for \$439,237.00; Be It Further
- RESOLVED That the Chairman of the Board is authorized to execute the property sale documents on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That budget adjustments, if required, are approved.

BRIAN K. ELDER, CHAIR
AND COMMITTEE

BABHA - Sale of County Parking Lot

MOVED BY COMM. Elder

SUPPORTED BY COMM. Coonan

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Kilda	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygier	Abstain			Eugene F. Gwizdala	Abstain		
Vaughn J. Begick	✓			Kim Coonan	✓			Donald J. Tilley	✓		

VOTE TOTALS:

ROLL CALL: ✓ YEAS 7 NAYS 0 EXCUSED 0 Abstain 2 - Krygier, Gwizdala

VOICE: YEAS _____ NAYS _____ EXCUSED _____

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS
1/13/09
RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (1/6/09)
- WHEREAS, Recently the 3rd Party Administration contract for Housing Rehabilitation Administration Services terminated mid-term and Bay County is faced with the immediate need to spend significant grant dollars or risk losing them; and
- WHEREAS, There are time restrictions associated with the grant from Michigan State Housing Development Authority (MSHDA) and other areas of the state have already spent their funds and Bay County's funding may be withdrawn if not encumbered soon; and
- WHEREAS, The Housing Rehabilitation program serves low income homeowners throughout Bay County (outside the City of Bay City) assisting in building code and housing stock improvements and there is a significant need in our community for these funds;
- WHEREAS, Direct experience has shown that it is very important for project administration to occur locally (w/in Bay County) for multiple logistical reasons; and
- WHEREAS, After careful review it is determined that BAH is the only local agency administering these same state grant funds; and
- WHEREAS, The City of Bay City (Deputy City Manager) was contacted to explore their potential interest in administration services however because they use a different funding source (federal) which is currently undergoing a shift in priorities, they have declined to consider any additional activities at this time; and
- WHEREAS, The BAH has a proven track record of efficient service and the latest monitoring report from MSHDA (Bay County's same grant officer) describes BAH as "exemplary" and "high performing"; and
- WHEREAS, The Director of Environmental Affairs and Community Development proposes that the same previously Board approved contract for 3rd Party Administration be offered to BAH with the same terms for the Housing Rehabilitation program— except the contract is to terminate (not automatically renew) at the end of the 2008-2009 grant cycle and elimination of the match requirement as it is no longer required by MSHDA. Upon termination conditions and performance can be reevaluated; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves the Agreement for Services with Bay Area Housing, Inc. and authorizes the Chairman of the Board to execute said Agreement on behalf of Bay County following legal review/approval; Be It Further
- RESOLVED That budget adjustments as needed for the Housing Rehabilitation Program are approved.

BRIAN K. ELDER, CHAIR
AND COMMITTEE

MSHDA - Bay Area Housing Inc

MOVED BY COMM. Elder

SUPPORTED BY COMM. Krygier

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	<input checked="" type="checkbox"/>			Dawn A. Klida	<input checked="" type="checkbox"/>			Brian K. Elder	<input checked="" type="checkbox"/>		
Patrick H. Beson	<input checked="" type="checkbox"/>			Ernie Krygier	<input checked="" type="checkbox"/>			Eugene F. Gwizdala	<input checked="" type="checkbox"/>		
Vaughn J. Beglick	<input checked="" type="checkbox"/>			Kim Coonan	<input checked="" type="checkbox"/>			Donald J. Tilley	<input checked="" type="checkbox"/>		

VOTE TOTALS:

ROLL CALL: YEAS 9 NAYS 0 EXCUSED 0
 VOICE: ☒ YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ☒ DEFEATED WITHDRAWN
 AMENDED CORRECTED REFERRED

-11-

BAY COUNTY BOARD OF COMMISSIONERS
1/13/09
RESOLUTION

- BY: WAYS AND MEANS COMMITTEE (1/7/0)
- WHEREAS, Commercial Property and Liability coverage for the Bay County Housing Department - Center Ridge Arms - has been provided by the Housing Authority Insurance Group; and
- WHEREAS, HAI's membership includes public housing authorities and low and mixed-income housing entities and it is principally responsible for the development of public housing insurance programs and is fully endorsed by HUD; and
- WHEREAS, Renewal of the current insurance package for the term 1/1/2009 through 12/31/09 is \$23,313; and
- WHEREAS, Housing Department administration recommends in favor of renewal of the property and liability coverage through Housing Authority Insurance Group; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners approves continued property and liability coverage for the Housing Department - Center Ridge Arms through Housing Authority Insurance Group for the term 1/1/2009 through 12/31/2009 at the annual rate of \$23,313; Be It Further
- RESOLVED That the Chairman of the Board is authorized to sign all documents required for the insurance renewal on behalf of Bay County following legal review/approval.

BRIAN K. ELDER, CHAIR
 AND COMMITTEE

CRA - Property & Liability Coverage

MOVED BY COMM. Elder

SUPPORTED BY COMM. Tilley

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Kilda	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygier	✓			Eugene F. Gwizdala	✓		
Vaughn J. Begick	✓			Kim Coonan	✓			Donald J. Tilley	✓		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
 VOICE: ✓ YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
 AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

1/13/09

RESOLUTION

BY: WAYS AND MEANS COMMITTEE (1/7/09)

WHEREAS, The Bay County Housing Department has submitted the 2009 operating budget as prepared by the Housing Department's fee accountant, Housing Authority Accounting Specialists; and

WHEREAS, A revised 2008 operating budget has also been submitted; and

WHEREAS, This information is required by the US Housing Act of 1937; and

WHEREAS, HUD reviews the budget to determine if the operating plan adopted by Bay County and the amounts proposed are reasonable and that the Housing Department is in compliance with procedures prescribed by HUD; and

WHEREAS, Prior to this submittal, approval of the Bay County Board of Commissioners is requested by HUD; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners hereby approves revised 2008 operating budget and the 2009 operating budget for the Bay County Housing Department (Center Ridge Arms) and authorizes submittal to HUD; Be It Further

RESOLVED That the Chairman of the Board is authorized to execute all appropriate documents required by HUD on behalf of Bay County following legal review/approval.

BRIAN K. ELDER, CHAIR
AND COMMITTEE

Housing (CRA) - 2009 Operating Budget & Revised 2008 Budget

MOVED BY COMM. Elder

SUPPORTED BY COMM. Klida

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Klida	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygier	✓			Eugene F. Gwizdala	✓		
Vaughn J. Beglck	✓			Kim Coonan	✓			Donald J. Tilley	✓		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: ✓ YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS
1/13/09

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS

RESOLVED That the Bay County Board of Commissioners hereby approves the claims against the County as presented on the Accounts Payable print-outs of 12/15/08 (\$1,148,657.75) and 12/29/08 (\$697,670.85); Be It Further **RESOLVED** That the Department of Housing (Center Ridge Arms) claims totaling \$46,735.07 (accounts payable) are approved for invoices as of 1/13/09.

PATRICK H. BESON, CHAIR
BAY COUNTY BOARD OF COMMISSIONERS

Accounts Payable-January Bd Mtg

MOVED BY COMM. Gwizdala

SUPPORTED BY COMM. Tilley

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Klida	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygler	✓			Eugene F. Gwizdala	✓		
Vaughn J. Begick	✓			Kim Coonan	✓			Donald J. Tilley	✓		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: ✓ YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

No. 2009-6

BAY COUNTY BOARD OF COMMISSIONERS
1/13/09

RESOLUTION

BY: BAY COUNTY BOARD OF COMMISSIONERS (1/13/09)

RESOLVED By the Bay County Board of Commissioners that the reports of the County Executive, listed below, are received:

Employment Status Report - December 2008

Workers' Compensation Report - December 2008

Unemployment Compensation Report - November 2008

PATRICK H. BESON, CHAIR
AND BOARD

County Executive - Status Reports

MOVED BY COMM. Gwizdala

SUPPORTED BY COMM. Kilda

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	✓			Dawn A. Kilda	✓			Brian K. Elder	✓		
Patrick H. Beson	✓			Ernie Krygier	✓			Eugene F. Gwizdala	✓		
Vaughn J. Begick	✓			Kim Coonan	✓			Donald J. Tilley	✓		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: ✓ YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED ✓ DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

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BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 13, 2009

MOTION SPONSORED BY: COMM. KLIDA

MOTION SUPPORTED BY: COMM. KRYGIER

MOTION NO.: 7

TO APPROVE THE REGULAR BOARD SESSION MINUTES OF
DECEMBER 9, 2008; THE SPECIAL BOARD SESSION MINUTES
OF DECEMBER 16, 2008; AND THE ORGANIZATIONAL BOARD
SESSION MINUTES OF JANUARY 2, 2009.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Dawn A. Klida	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	X			Eugene F. Gwizdala	X		
Vaughn J. Begick	X			Kim Coonan	X			Donald J. Tilley	X		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 13, 2009

MOTION SPONSORED BY: COMM. GWIZDALA

MOTION SUPPORTED BY: COMM. ELDER

MOTION NO.: 8

TO RECEIVE THE REQUESTS FOR APPOINTMENT TO THE BAY COUNTY LIBRARY BOARD FOR 1 (ONE) 6 YEAR UNEXPIRED TERM, SAID TERM TO EXPIRE JUNE 30, 2012, FROM THE FOLLOWING APPLICANTS:

1. ROBERT LA CHANCE
2. LEON KATZINGER
3. LEO NAJAR
4. EUGENE T. TANKE
5. CHRISTINE CHESNY
6. DENNIS W. BANASZAK
7. DARRYL D. STEINER

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Dawn A. Klida	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygier	X			Eugene F. Gwizdala	X		
Vaughn J. Beglick	X			Kim Coonan	X			Donald J. Tilley	X		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 13, 2009

MOTION SPONSORED BY: COMM. GWIZDALA

MOTION SUPPORTED BY: COMM. KLIDA

MOTION NO.: 9

TO APPOINT ROBERT LA CHANCE TO THE BAY COUNTY
LIBRARY BOARD FOR ONE (1) 6 YEAR UNEXPIRED TERM,
SAID TERM TO EXPIRE JUNE 30, 2012. THE FINAL VOTE IS
LISTED BELOW:

1. ROBERT LA CHANCE - 6 VOTES: DURANCZYK,
BESON, KLIDA, KRYGIER, COONAN, TILLEY

2. LEO NAJAR - 3 VOTES: BEGICK, ELDER, GWIZDALA

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Dawn A. Klida	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygier	X			Eugene F. Gwizdala	X		
Vaughn J. Begick	X			Kim Coonan	X			Donald J. Tilley	X		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 13, 2009

MOTION SPONSORED BY: COMM. GWIZDALA

MOTION SUPPORTED BY: COMM. TILLEY

MOTION NO.: 10

TO RECEIVE THE LETTER DATED JANUARY 6, 200 FROM THE CITY OF BAY CITY FOR THREE (3) APPLICATIONS FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FROM BALDAUF ENTERPRISES, DBA KERKAU MANUFACTURING, BAY CITY, MICHIGAN FOR PROPERTY LOCATED AT 910 TRUMAN PARKWAY, BAY CITY, MICHIGAN, IN THE AMOUNT OF \$217,401.00 FOR APPLICATION NO.1; IN THE AMOUNT OF \$270,964.00 FOR APPLICATION NO. 2; AND IN THE AMOUNT OF \$431,368.00 FOR APPLICATION NO. 3.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Dawn A. Klida	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	X			Eugene F. Gwizdala	X		
Vaughn J. Begick	X			Kim Coonan	X			Donald J. Tilley	X		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 13, 2009

MOTION SPONSORED BY: COMM. DURANCZYK

MOTION SUPPORTED BY: COMM. GWIZDALA

MOTION NO.: 11

TO RECEIVE THE BAY COUNTY BOARD OF COMMISSIONERS
2009 COMMITTEE ASSIGNMENTS AS PRESENTED.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Dawn A. Kilda	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	X			Eugene F. Gwizdala	X		
Vaughn J. Begick	X			Kim Coonan	X			Donald J. Tilley	X		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____

AMENDED _____ CORRECTED _____ REFERRED _____

BAY COUNTY BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 13, 2009

MOTION SPONSORED BY: COMM. GWIZDALA

MOTION SUPPORTED BY: COMM. TILLEY

MOTION NO.: 12

TO ADJOURN THE REGULAR BOARD SESSION OF
JANUARY 13, 2009 AT 9:45 A.M.

COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
Michael J. Duranczyk	X			Dawn A. Kilda	X			Brian K. Elder	X		
Patrick H. Beson	X			Ernie Krygler	X			Eugene F. Gwizdala	X		
Vaughn J. Begick	X			Kim Coonan	X			Donald J. Tilley	X		

VOTE TOTALS:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____

VOICE: XX YEAS 9 NAYS 0 EXCUSED 0

DISPOSITION: ADOPTED XX DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

ERROR: syntaxerror
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